

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL CHARLES MILES
Plaintiff

vs.

WILSON STONE AND SCHNEIDER
NATIONAL CARRIERS, INC.
Defendants.

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C.A. No. _____

**DEFENDANT SCHNEIDER NATIONAL CARRIERS, INC.'S
NOTICE AND PETITION FOR REMOVAL**

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, Schneider National Carriers, Inc. (“Defendant”), in Cause No. 2016-44239 pending in the 61st District Court of Harris County, Texas, file this Notice and Petition for Removal from that Court to the United States District Court for the Southern District of Texas, Houston Division on the basis of diversity of citizenship and amount in controversy and respectfully show:

**I.
FACTUAL BACKGROUND**

1.1. On or about June 30, 2016, Plaintiff filed his Original Petition, Jury Demand, and Request for Disclosure in the matter styled *Michael Charles Miles v. Wilson Stone and Schneider National Carriers, Inc.*, Cause No. 2016-44239, in the 61st District Court of Harris County, Texas, in which Plaintiff seeks recovery against Schneider National Carriers, Inc. for negligence. Plaintiff filed suit against Schneider National Carriers, Inc.

II.
BASIS FOR REMOVAL

2.1. Removal is proper and based upon diversity of citizenship under 28 U.S.C. §§1332(a)(1), 1441(a), and 1446.

2.2. Plaintiff was, and is, at the time the lawsuit was filed, a resident of the State of Texas. *See* Plaintiff's Original Petition, Jury Demand, and Request for Disclosure.

2.3. Defendant Schneider National Carriers, Inc. is a Nevada company that operates its headquarters and principal place of business in Green Bay, Wisconsin. Under 28 U.S.C. §1332, a corporation is a citizen in the state by which it is incorporated and the state where its principal place of business is located.

A. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction.

2.4. "Plaintiff affirmatively pleads that he seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00." *See* Plaintiff's Original Petition.

III.
THE REMOVAL IS PROCEDURALLY CORRECT

3.1. Defendant made an appearance in the state court action on Friday, August 19, 2016 (*see* Exhibit "B"). Defendant files this Notice of Removal within the 30 day time period required by 28 U.S.C. § 1446(b).

3.2. Venue is proper in this district and division under 28 U.S.C. § 1446(a) because this district and division include the county in which the state

action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this district and division.

3.3. Pursuant to 28 U.S.C. § 1446(d), promptly after Defendant files this notice, written notice of the filing will be given to Plaintiff, the adverse party.

3.4 Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice and Petition for Removal will be filed with the Clerk of the Harris County District Court, promptly after Defendant files this notice.

V. CONCLUSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded to all interested parties on this 19th day of August, 2016 in accordance with the Federal Rules of Civil Procedure and as indicated below:

Jeffrey M. Stern
The Stern Law Group
4909 Bissonnet St., Ste. 100
Bellaire, TX 77401

Via Electronic Service

/s/ H. Mark Burck
H. MARK BURCK